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Your Home Is Our Business

March 2, 2011

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5479, AAC Considerations in Affordable Housing Appeals

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We oppose HB 5479 because it would further weaken the usefulness of the Affordable Housing Appeals Act in providing needed housing for Connecticut's citizens. We offer the committee our general policy on the act with the hope that it will be considered in the committee's discussions on this very important topic.

The need for more affordable housing in Connecticut remains as severe as it has ever been. Many of our communities have extremely high housing costs. The disparity between the wealthy and poor in Connecticut is pronounced as high housing costs represent a significant barrier to movement of households to different communities. The high cost of housing is also a drag on the general economy as it is one of several factors that businesses will look at in determining whether to locate or expand in Connecticut. Remember – Homes Are Where Jobs Go At Night.

The Affordable Housing Appeals Act is just one method, albeit a very important one, of obtaining more affordable housing than what might otherwise be obtained. The act is a vital part of the overall affordable housing effort since it provides help in obtaining necessary, but often difficult and elusive, land use approvals, which are made even more difficult whenever a builder proposes to provide "affordable housing." The act also serves as a critical counter balance to the rampant no-growth movement and draconian land use approval processes that exist across Connecticut. The land use review process for new development of any kind is severely broken in this state and absent a complete rewrite of our land use statutes that reflects balanced growth and the importance of housing in every community the act is the only statutory tool available to new housing developers to bring some reason to our land use challenges.

We commend and urge support of the committee's favorable consideration of selected improvements in our land use laws we and others have offered. But even if every such proposal was adopted, it would not diminish the need for maintaining a sound 8-30g.

The diversity of housing opportunities the act helps to create is especially important in encouraging citizens who work in a municipality to be able to live in that municipality. Where this goal is accomplished, people then enjoy better commutes to and from work and traffic congestion and air pollution are decreased, as are work stress and absenteeism.

Sec. 8-30g is not a mandate on municipalities. The act, even before the weakening amendments passed between 1995 and 2000, did not prevent the denial of a project. The act says to communities that if you want to deny an affordable housing application, then merely show some justification for the denial based on public health and safety reasons. The courts consistently uphold denials of projects based on these and other reasons, such as adverse impacts to wetlands and the environment. HB 5479 would change this balance by allowing towns to reject affordable housing proposals based on land being "unsuitable for the proposed development," whether the "type of affordable housing units being proposed are needed in the municipality" and other reasons that have no bearing on the public's health or safety.

The HBA of CT wholeheartedly supports the goal and the statutory language of the act as it existed prior to the 1995 legislative session. Since 1995, however, the act has been amended such that it has less meaning today to the private for-profit builder wishing to create a "set-aside" development. Today, in many cases, but not all, the "numbers" just do not work to produce a viable project. **Any further weakening of the act will make it largely useless to effectuate the goal of producing more affordable housing in CT.**

All land use approval policies from planning, zoning, subdivision, wetlands and many other areas are implemented by municipalities pursuant to state adopted enabling acts. The latitude afforded municipalities under these state enabling acts is vast, broad and very difficult to challenge. Thus, **we do not understand what is so wrong with a state policy that supports the production of housing that is more affordable than would be otherwise produced under our current land use approval system.**

Since passage of section 8-30g, municipalities have been held accountable to merely justify their decisions when an affordable housing application that meets the strictures of the act is submitted. We find nothing wrong with that since we believe that municipalities should be held meaningfully accountable, both socially and legally, for their decisions. To further weaken the standards for denial of applications ignores the current realities of the act's implementation and the dire need for more housing in CT.

Without 8-30g, Connecticut's citizens and would-be citizens would be faced with an ever-more difficult search to find affordable shelter. **We strongly urge the committee to not do any more harm to the Affordable Housing Appeals Act.**

Thank you for the opportunity to express our views on this important topic.